

the transformed plant cell to produce a regenerated plant comprising cells exhibiting increased endoreduplication compared to a corresponding non-transformed plant.

#### REMARKS

The Examiner correctly notes that priority under 35 USC 119 is claimed only to the US Provisional application Ser. No. 60/124,136. No priority is claimed to any foreign application.

The withdrawal of the objection to the disclosure is noted with appreciation.

The withdrawal of the rejection of claims 7-12 under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention is acknowledged with appreciation.

Claims 7 and 9-12 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that the phrase "growing the plant cell under conditions sufficient to produce a regenerated plant having cells exhibiting increased endoreduplication" renders the claim indefinite because it is unclear what those conditions would be.

The rejection is respectfully traversed. Methods for producing regenerated plants are described on page 18, lines 18-30 of the present application. Many methods are known in the art and any suitable method may be used for regeneration. The method need not be defined in the claims, and in fact is best left out of the claims or they would be unduly cumbersome. However, to avoid any confusion claim 7 has been amended to clarify the claim. The amendment is believed to place the claims in condition for allowance.

Withdrawal of the rejection of claims 7 and 10-11 under 35 USC 102(e) as being anticipated by Gronenborn is noted with appreciation.

Claims 1 and 3-6 remain rejected, under 35 USC 102(e) as being anticipated by Gronenborn for the reasons of record set forth in the previous office action.

The Examiner's attention is drawn to 35 USC 100(b), the term "process" means process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material. The claims recite "A method for modulating endoreduplication". Such a use is not known or suggested in the art. Therefore, it is not anticipated or obvious over the art.

The withdrawal of the rejection of claims 1-12 under 35 USC 103(a) as being unpatentable over Gronenborn in view of Grafi et al. is acknowledged with appreciation.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

In view of the above comments and amendment withdrawal of the remaining rejections is respectfully requested.

Respectfully submitted;



Marianne H. Michel  
Attorney for Applicant(s)  
Registration No. 35,286

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000  
Phone: (515) 334-4467  
Facsimile: (515) 334-6883

## VERSION WITH MARKINGS TO SHOW CHANGES MADE

### In the Claims:

The Applicants have used underlining to denote additions to the original text and square brackets [ ] to denote deletions of the original text.

Claim 7 has been amended as follows:

7. (Twice Amended) A method for increasing crop yield through increased endoreduplication comprising introducing into a plant cell an isolated plant geminivirus replicase polynucleotide operably linked to a promoter driving expression in the plant cell to produce a transformed plant cell, and growing the transformed plant cell [under conditions sufficient] to produce a regenerated plant [having] comprising cells exhibiting increased endoreduplication compared to a corresponding non-transformed plant.